



1636

Atty. Docket No.: 18433/2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gruber, et al.  
Serial No.: 09/845,064  
Filed: April 27, 2001  
Entitled: CLEAN SYNTHETIC VECTORS  
PLASMIDS, TRANSGENIC PLANTS  
AND PLANT PARTS CONTAINING  
THEM, AND METHODS FOR  
OBTAINING THEM

Examiner: Qian, C.X.

Group Art Unit: 1636

Conf. No.: 1669

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

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Mark J. Fitzgerald

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL LETTER**

Enclosed for filing the above-identified patent application, please find the following documents:

1. Amendment and Reply; and
2. Return postcard.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference 18433/2002. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: October 25, 2005

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**AMENDMENT AND REPLY**

Sir:

This Amendment is being filed in response to the Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on September 26, 2005 in the above-identified application. Reconsideration and further examination are requested.

The notice states that the status of claims 1-16, 25-53 and 55 are not clear because these claims were previously listed as canceled but in the previous response they were listed as withdrawn. The notice further states that the above claims should be listed if they are withdrawn and not canceled. Finally, the notice states that two sets of claims 1-53 were submitted in the previous response.

Applicant herein provides listing of the pending claims 17-24, 56 and 57. As stated in the Listing of the Claims, claims 1-16, 25-53 and 55 are canceled, and therefore are not listed. For the sake of clarity, the status identifiers for the claims listed in the Listing of the Claims are presented as if the previous non-responsive amendment were not entered. The Listing of the